

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENTS ON BEHALF OF STUDENT,

v.

CAPISTRANO UNIFIED SCHOOL
DISTRICT.

OAH Case No. 2015030080

ORDER GRANTING REQUEST FOR
CONTINUANCE OF PREHEARING
CONFERENCE

On June 1, 2015, Parents on Behalf of Student and the Capistrano Unified School District jointly filed a request to continue the prehearing conference, which is scheduled for 3:00 p.m., on June 1, 2015. The joint request is based upon the parties being close to a settlement agreement and a desire to avoid incurring additional legal costs.

Request for Continuance

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is granted.

ORDER

1. The joint request to continue the prehearing conference is granted.
2. The telephonic prehearing conference is continued to 3:00 p.m., on June 5, 2015.
3. All other hearing dates shall remain as presently scheduled, unless otherwise ordered.

IT IS SO ORDERED.

DATE: June 1, 2015

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings